

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 14-0023 MCA/KBM
CR 10-3352 MCA

CARLOS NOHE ZAMUDIO-BELTRAN,

Defendant.

ORDER

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 59). Defendant filed his motion in the criminal proceeding on December 23, 2013, and the motion was subsequently entered on the civil docket on January 8, 2014. The Court considers this a single motion filed simultaneously in the criminal proceeding and, nunc pro tunc, in the civil proceeding on December 23, 2013. The Court will direct the United States to answer Defendant's motion.

IT IS THEREFORE ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 59) and supporting papers and exhibits, if any, together with a copy of this order;

IT IS FURTHER ORDERED that, within twenty-three (23) days from entry of this Order, the United States answer Defendant's motion.

A handwritten signature in black ink, appearing to read "Karen B. Moynihan", is written over a horizontal line.

UNITED STATES CHIEF MAGISTRATE JUDGE